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10/691,710	10/24/2003	Dennis Arthur Fielder	14495CON	6795

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EXAMINER

LOUIS JACQUES, JACQUES H

ART UNIT PAPER NUMBER

3661

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/691,710

**Applicant(s)**

FIELDER, DENNIS ARTHUR

**Examiner**

Jacques H Louis-Jacques

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 2,6-8,12-15,17 and 19-21 is/are allowed.  
6) ☒ Claim(s) 1,3-5,9-11,16 and 18 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 3-5 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Calixte [6,400,934].

Calixte discloses a method for radio receiver input off-channel and on-channel overload protection. According to Calixte, there is provided sensing an overload condition in the radio receiver front-end when a received radio signal is above a threshold; and generating an overload signal in response to sensing the overload condition. See abstract, columns 2 and 3. Calixte further discloses, for example as set forth in the abstract, a threshold value

to determine whether the received signal exceeds a desired received signal. See also column 3. According also to Calixte, the received signal condition indicating that the desired received signal within the received signal is overloaded by an undesirable (interference) additional received radio signal component.

3. Claims 1, 3-5, 9, 11, 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Lynk, Jr. et al [4,761,829].

Lynk, Jr. et al discloses an adaptive signal strength and/or ambient noise driven audio shaping system. According to Lynk, Jr. et al, there is provided sensing (detector) an overload condition in the radio receiver front-end when a received radio signal is above a threshold (using a comparator); and generating (generator) an overload signal in response to sensing the overload condition. See figure 1, columns 3 and 4. Lynk, Jr. et al, as further described in column 3, discloses that the radio receiver front-end is adapted to down-convert the received radio signal from a Radio Frequency (RF) to an Intermediate Frequency (IF) (column 3), wherein the received radio signal is combined with a locally generated RF signal within a mixer to produce a down-converted copy of the received radio signal (figure 1 and columns 2-3). Lynk, Jr. et al further discloses a threshold for indicating when a received radio signal exceeds a desired received radio signal. See figure 1. See also column 4. Lynk, Jr. et al also discloses that the received signal condition indicating that the desired received signal within the received signal is overloaded by an undesirable (interference or noise) additional received radio signal component. See column 4.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynk, Jr. et al in view of Johnson [5,420,592].

While Lynk, Jr. et al discloses a receiver front end (20) that receives signal from an antenna (10), Lynk, Jr. et al does not particular disclose that the receiver front end is integrated into a GPS receiver. Johnson, on the other hand, discloses a radio receiver front-end of integrated into a GPS (Global Positioning System) receiver (figure 1). Thus, it would have been obvious to one skilled in the art at the time of the invention to be motivated to modify the system of Lynk, J. et al by incorporating the GPS receiver with the front end from the system of Johnson because such modification, as suggested by Johnson, would improve the level of accuracy of such system.

***Allowable Subject Matter***

6. Claims 2, 6-8, 12-15, 17, 19, 20 and 21 are allowed.

***Response to Amendment***

7. The amendments along with the arguments filed therewith on September 1, 2004 have been entered and carefully considered by the examiner.

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The Terminal Disclaimer filed on September 1, 2004 has been approved. Accordingly, the obviousness-type double patenting has been withdrawn.

The amendments to claims 2, 17, and 19, rewritten in independent form, are acknowledged.

Claims 2, 6-8, 12-15, 17 and new claims 20 and 21 are allowed over the prior art of record.

As to claims 1, 9, 16 and 18, Applicant has amended these claims to include “setting a threshold to indicate when a received radio signal is significantly larger than a desired received radio signal”, and “the sensed received signal condition indicating that the desired received radio signal within the received radio signal condition is overloaded by an undesirable additional received radio signal component.” Emphasis added.

The added features are not “novel” in light of the prior art already present in the application and additional references now cited therein.

Calixte, applied against the claims in prior office action, discloses a method for radio receiver input off-channel and on-channel overload protection. Calixte discloses, for example as set forth in the abstract, a threshold value to determine whether the received signal exceeds a desired received signal. See also column 3.

Lynk, Jr. et al (hereafter Lynk) discloses an adaptive signal strength and/or ambient noise driven audio shaping system. According to Lynk discloses a threshold for indicating when a received radio signal exceeds a desired received radio signal. See figure 1. See also column 4.

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Claims 1, 3-5, 9-11, 16 and 18 remain rejected. Claims 2, 6-8, 12-15, 17, 19, and 20-21 are allowed.

The use of different portions of the applied references is necessitated by the amendments. While the rejections applied in the prior office have been modified, as a result of an inadvertent error (regard claim 9), such modification does not constitute a new ground of rejection. As such, this office action is made final.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6,741,844 to Medvid et al discloses a receiver for audio enhancement and method therefore, wherein a threshold is provided to indicate when a received signal exceeds a desired received radio signal. See abstract, columns 3 and 4 and, in particular, columns 5-6.

US Patent 5,732,341 to Wheatley, III discloses a method and apparatus for increasing receiver immunity to interference.

US Patent No. 5,722,063 to Peterzell et al discloses a method and apparatus for increasing receiver immunity to interference, wherein a received signal is detected and a threshold is provided to indicate when the received signal exceeds a desired received radio signal and the sensed received signal indicating that the desired signal radio signal within the received signal is overloaded by an undesirable additional received radio signal component (interference). See abstract and columns 5-6.

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9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H Louis-Jacques whose telephone number is 703-305-9757. The examiner can normally be reached on M-Th 6:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 703-305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jacques H Louis-Jacques  
Primary Examiner  
Art Unit 3661

/jlj

*Jacques H. Louis-Jacques*  
JACQUES H. LOUIS-JACQUES  
PRIMARY EXAMINER